1951. K **File No.** Charitable Endowments II/51 (R)

Legal Dept.

B. BRANCH

Subject:— Rules under the Charitable Endowments Act 1890

P=1/E

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Gen. 194 e.

L37/-15

Office of the R.L.A.

Rule 2(b) of the Charitable Endow..
(Central) Rules, 1942 reads as follows:-

> " 'Treasurer' means the Treasurer of Charitable Endowments for India for the time being, appointed under sub-section (1) of section 3 of the Act, and includes such other officer as the Treasurer may appoint to discharge any of the functions assigned to him under these rules."

Enquiries show that no appointments have been made so far under this rule in the office of Accountant-General, Bombay, for discharging the functions of the Treasurer (Central) in Bombay and that the Accountant-General, Bombay, has been appointed as an Agent of the Treasurer (Central) by the Government of India.

. Though the object behind such a rule is not to empower the Treasurer to appoint another Treasurer, the rule in so far as it can be construed to vest such power in the Treasurer is repugnant to the scheme of the Act which vests the power to appoint a Treasurer under it in Government and which contemplates only one Treasurer and that a corporation sole. In the absence of any provision for such delegation in the Act it could be not correct to provide for such delegation in the Rules. The Treasurer or Government can appoint persons to do that work without there being any express provision in the Act or the rules empowering him or them in this behalf.

There seems to be no need for the amendment (proposed by the Accountant-General) of the Rule framed by the Government of Bombay under the Charitable Endowments Act, 1890, similar to the amendment in question made by the Central Governme

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Remembrancer of Legal Affairs.

Sch. 2517

U.R. to L.S.G. & P.H.D. No. 4819, dated the 27th March 1951

4 c. V.R.K.